

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

PATRICK SCOTT COLEMAN M.D.

File No. 8002015017730

**Physician's and Surgeon's
Certificate No. G74120**

Respondent

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 7, 2018.

IT IS SO ORDERED August 8, 2018.

MEDICAL BOARD OF CALIFORNIA

By: _____


**Ronald H. Lewis, M.D.
Chair, Panel A**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI
Deputy Attorney General
4 State Bar No. 128080
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Telephone: (415) 510-3439
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E-mail: Lynne.Dombrowski@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2015-017730

12 **PATRICK SCOTT COLEMAN, M.D.**

OAH No. 2018050745

13 3536 Mendocino Avenue, Suite 200
14 Santa Rosa, CA 95403

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Physician's and Surgeon's Certificate
No. G 74120

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Lynne K.
24 Dombrowski, Deputy Attorney General.

25 2. Respondent Patrick Scott Coleman, M.D. (Respondent) is represented in this
26 proceeding by attorney Robert W. Hodges, Esq., whose address is: Robert W. Hodges, Esq.,
27 McNamara, Ney, Beatty, Slatery, Borges & Ambacher LLP, 3480 Buskirk Ave., Pleasant Hill,
28 CA 94523.

1 3. On or about May 26, 1992, the Board issued Physician's and Surgeon's Certificate
2 No. G 74120 to Patrick Scott Coleman, M.D. (Respondent). The Physician's and Surgeon's
3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 800-2015-017730 and will expire on May 31, 2020, unless renewed.

5 JURISDICTION

6 4. Accusation No. 800-2015-017730 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on August 3, 2017. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2015-017730 is attached as Exhibit A and
11 incorporated herein by reference as if fully set forth.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2015-017730. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits that the charges and allegations in Accusation No. 800-2015-
27 017730, if proven at a hearing, would constitute grounds for discipline on his Physician's and
28 Surgeon's Certificate.

10. Respondent agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Patrick Scott Coleman, M.D., Physician's and Surgeon's Certificate No. G74120, shall be and hereby is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This public reprimand, which is issued in connection with Respondent's conduct as set forth in Accusation No. 800-2015-017730, is as follows:

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1 You departed from the standard of care with regard to your care and treatment of
2 patient AH by failing to order a CBC when evaluating the patient's complaints of dyspnea
3 and chest pressure and/or by failing to document such an order being made by another
4 physician, pursuant to Business and Professions Code section 2234, subdivision (b) and/or
5 subdivision (c).

6 B. EDUCATION COURSE

7 Within 60 calendar days of the effective date of this Decision, Respondent shall submit to
8 the Board or its designee for its prior approval educational program(s) or course(s) which shall
9 not be less than 16 hours. The educational program(s) or course(s) shall be Category I certified
10 and shall be aimed at the evaluation of cardio-pulmonary diseases. The educational program(s) or
11 course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical
12 Education (CME) requirements for renewal of licensure. Following the completion of the
13 course(s), the Board or its designee may administer an examination to test Respondent's
14 knowledge of the course(s). Respondent shall provide to the Board proof of attendance for 41
15 hours of CME, of which 16 hours were in satisfaction of this condition.

16
17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Robert W. Hodges, Esq. I understand the stipulation and the effect
20 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
21 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Medical Board of California.

23
24 DATED: _____

25 _____
26 PATRICK SCOTT COLEMAN, M.D.
27 Respondent
28

1 You departed from the standard of care with regard to your care and treatment of
2 patient AH by failing to order a CBC when evaluating the patient's complaints of dyspnea
3 and chest pressure and/or by failing to document such an order being made by another
4 physician, pursuant to Business and Professions Code section 2234, subdivision (b) and/or
5 subdivision (c).

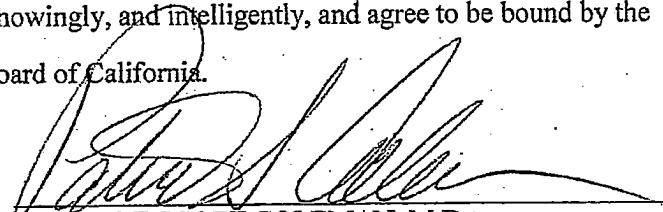
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11 course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical
12 Education (CME) requirements for renewal of licensure. Following the completion of the
13 course(s), the Board or its designee may administer an examination to test Respondent's
14 knowledge of the course(s). Respondent shall provide to the Board proof of attendance for 41
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16
17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Robert W. Hodges, Esq. I understand the stipulation and the effect
20 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
21 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Medical Board of California.

23
24 DATED: 07/09/18


25 PATRICK SCOTT COLEMAN, M.D.
26 Respondent
27
28

1 I have read and fully discussed with Respondent Patrick Scott Coleman, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: July 9, 2018 Robert W. Hodges
6 ROBERT W. HODGES, Esq.
7 MCNAMARA, NEY, BEATTY, SLATTERY,
8 BORGES & AMBACHER LLP
9 Attorneys for Respondent

10
11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Medical Board of California.

14
15 DATED: _____ Respectfully submitted,
16 XAVIER BECERRA
17 Attorney General of California
18 JANE ZACK SIMON
19 Supervising Deputy Attorney General

20 LYNNE K. DOMBROWSKI
21 Deputy Attorney General
22 Attorneys for Complainant

23
24 SF2017203564

1 I have read and fully discussed with Respondent Patrick Scott Coleman, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: _____

ROBERT W. HODGES, Esq.
MCNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP
Attorneys for Respondent

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11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Medical Board of California.

14
15 DATED: July 13, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

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LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Complainant

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24 SF2017203564

Exhibit A

Accusation No. 800-2015-017730

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Aug. 3 20 17
BY [Signature] ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-017730

13 **Patrick Scott Coleman, M.D.**
3536 Mendocino Avenue, Suite 200
Santa Rosa, CA 95403

A C C U S A T I O N

14 Physician's and Surgeon's Certificate
No. G 74120,

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).

22 2. On May 26, 1992, the Medical Board issued Physician's and Surgeon's Certificate
23 Number G 74120 to Patrick Scott Coleman, M.D. (Respondent). The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on May 31, 2018, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states, in pertinent part:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

“(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

“ ”

FACTS

6. At all times relevant to this matter, Respondent was licensed and practicing medicine in California.

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1 7. At the time of Patient A.H.'s¹ death on April 24, 2015, Respondent had been A.H.'s
2 cardiologist for more than twenty years. Respondent describes his care as primarily for chronic
3 atrial fibrillation—which his primary care physician was treating with warfarin,² a blood
4 thinner—chronic obstructive pulmonary disease (COPD), and coronary artery disease.

5 8. A.H.'s primary complaint at most of his visits with Respondent was dyspnea, or
6 shortness of breath, on exertion. Respondent generally attributed the dyspnea to COPD. A.H.
7 also carried diagnoses of, among other things, chronic atrial fibrillation, coronary artery disease,
8 and pulmonary hypertension.

9 9. Respondent's medical records for A.H. contain no records, reports, or test results
10 documenting A.H.'s COPD. There are no chest CT scans, no pulmonary function tests, and no
11 orders for a pulmonary consultation.

12 10. Although dyspnea was A.H.'s primary complaint at nearly every one of his 17
13 documented visits with Respondent between 2001 and February 24, 2015, the medical records
14 reflect that during that time Respondent ordered only one complete blood count (CBC), on May
15 24, 2011, from which he could have evaluated the oxygen carrying capacity of A.H.'s blood.
16 There are an additional four CBC test reports ordered by other physicians in Respondent's
17 medical records for A.H. but none after February 18, 2014.

18 11. On January 21, 2015, A.H. presented to Respondent complaining of a worsening in
19 the degree of dyspnea on exertion and, for the first time, of chest pressure and heaviness.
20 Respondent recommended a repeat echocardiogram and stress test and prescribed 81 mg aspirin,
21 a statin drug, a long acting nitroglycerin, and sublingual nitroglycerin. He did not order a CBC.

22 12. A.H.'s next visit was February 24, 2015. Respondent reviewed the results of the
23 echocardiogram and stress test and various laboratory values. He did not order a CBC to evaluate
24 the oxygen carrying capacity of A.H.'s blood despite A.H.'s worsening exertional dyspnea and

25 ¹ The patient is designated in this document as Patient A.H. to protect his and his family's
26 privacy. Respondent knows the name of the patient and can confirm his identity through
discovery.

27 ² Warfarin, also known by the trade name Coumadin, is an anticoagulant used to treat or
28 prevent blood clots in veins or arteries to reduce the risk of stroke, heart attack, or other serious
conditions. It is a dangerous drug as defined in section 4022 of the Code. Warfarin increases the
risk of bleeding, which can be severe or life-threatening.

Respondent's having added aspirin on top of A.H.'s warfarin regimen. Aspirin can cause bleeding from the stomach/intestine or other areas of the body as can warfarin and anemia can result in dyspnea.

CAUSE FOR DISCIPLINE

(Gross Negligence and/or Repeated Negligent Acts)

13. Respondent is guilty of unprofessional conduct and subject to disciplinary action under section 2234, subdivision (b) (gross negligence) and/or (c) (repeated negligent acts), of the Code in that Respondent engaged in the conduct described above including, but not limited to, the following:

A. Respondent failed to obtain records from A.H.'s primary care physician documenting his COPD or to undertake or order a pulmonary workup or referral to confirm his COPD.

B. Respondent failed to order or otherwise obtain a CBC to evaluate the oxygen carrying capacity of A.H.'s blood when he saw A.H. for exertional dyspnea and especially after he prescribed aspirin to A.H. when he was already on warfarin therapy.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G74120, issued to Patrick Scott Coleman, M.D.;

2. Revoking, suspending or denying approval of Patrick Scott Coleman, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Patrick Scott Coleman, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: AUGUST 3, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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